IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5900 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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AABDIN R KADRI

Versus

G S R T C

Appearance:

1. Special Civil Application No. 5900 of 1993

MR KG PANDIT for Petitioner No. 1

MR YOGESH S LAKHANI for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 20/03/2002

ORAL JUDGEMENT

Heard learned advocate Mr. Pandit for the petitioner and Ms. K.C.Thakkar for Mr. Y.S. Lakhani for the respondent corporation. The respondent herein

has been directed by the labour court vide award dated 19th November, 1992 passed by the labour court in Reference NO. 386 of 1991 to reinstate the petitioner workman in service with continuity of service but without back wages. It is the grievance of the petitioner that the respondent has reinstated the petitioner but continuity of service has not been given to the petitioner. Mr. Pandit for the petitioner has submitted that as per the award made by the labour court concerned, the petitioner is entitled to have the continuity of service rendered by the petitioner in past. As against that, Ms. Thakkar for the respondent corporation has submitted that according to the award, continuity is required to be given and if it has not been given so far, then, the corporation will consider the case of the petitioner and will grant the benefits in terms of the award in question made by the labour court concerned.

Considering the submissions made by both the learned advocates, it is directed to the respondent corporation to give benefit of continuity of service as per the award made by the labour court concerned if it has not been given so far as per the award made by the labour court on 19th November, 1992 and to give all the benefits flowing from the award accordingly. Rule is made absolute accordingly. There shall be no order as to costs.

20.3.2002. (H.K. Rathod,J.)

Vyas